

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIO-RAD LABORATORIES, INC.,

and

THE UNIVERSITY OF CHICAGO,

Plaintiffs.

v.

10X GENOMICS, INC.,

Defendant.

C.A. No. 15-152-RGA

**JOINT STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER**

WHEREAS, Bio-Rad Laboratories, Inc. and the University of Chicago (collectively, “Plaintiffs”) asserted claims for infringement of U.S. Patent Nos. 7,129,091; 8,304,193; 8,329,407; 8,822,148; 8,658,430; 8,273,573; and 8,889,083 (collectively, “Patents-in-Suit”) against 10X Genomics, Inc. (“10X”) (D.I. 12, D.I. 85; D.I. 180; D.I. 138; D.I. 499; D.I. 561);

WHEREAS, 10X asserted defenses and counterclaims, including for non-infringement and invalidity of the Patents-in-Suit (D.I. 39);

WHEREAS, this Court entered an Amended Permanent Injunction Order on August 14, 2019 (D.I. 578);

WHEREAS, this Court entered its Final Judgment on August 15, 2019 (D.I. 582);

WHEREAS, the United States Court of Appeals for the Federal Circuit issued its Opinion and Judgment on August 3, 2020 (D.I. 613-1, 613-2), and issued its formal mandate on November 12, 2020 (D.I. 613), wherein it affirmed-in-part, reversed-in-part, and vacated-in-part this Court’s Final Judgment;

WHEREAS, 10X has a pending motion for relief from the Final Judgment (D.I. 642) and Plaintiffs have a pending motion for post-verdict royalties (D.I. 644); and

WHEREAS, 10X posted a bond issued by Nationwide Mutual Insurance Company, Bond # SNN4001568, in the amount of \$16,702,922.00 to be discharged following resolution by this Court of the determination of any ongoing royalties (“the Bond”);

WHEREAS, Plaintiffs and 10X have mutually agreed to a settlement of Plaintiffs’ and 10X’s respective claims;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and 10X, through their respective undersigned counsel, subject to the approval of the Court, that

1. The Court’s Final Judgement against 10X is deemed satisfied;
2. The Court’s Amended Permanent Injunction Order is VACATED;
3. The Bond is hereby fully and unconditionally released and discharged;
4. All monies deposited by 10X into escrow pursuant to the Court’s Amended Permanent Injunction Order are released and shall be returned to 10X;
5. 10X’s pending motion for relief from this Court’s Final Judgment (D.I. 642) is withdrawn;
6. Plaintiffs’ pending motion for post-verdict royalties (D.I. 644) is withdrawn;
7. Each party shall bear its own costs, expenses, and attorneys’ fees incurred with respect to all claims, defenses, and counterclaims in this Action.

Dated: July 27, 2021

Respectfully submitted,

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IT IS SO ORDERED this 27 day of July, 2021

/s/ Richard G. Andrews

THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE